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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/622,638	07/21/2003	Warren Gregory Tobin	USA-P1292	4576

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EXAMINER

GAUTHIER, GERALD

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 09/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/622,638

Applicant(s)

TOBIN, WARREN GREGORY

Examiner

Gerald Gauthier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Claim Objections

1. **Claim(s) 4** is objected to because of the following informalities: lines 3 and 5 "the text messages" misleading not sure which messages the applicant is referring to.

Correction is required.

Claim(s) 5, lines 3 and 5, **claim(s) 6**, lines 3 and 5, **claim(s) 7**, lines 3 and 5, **claim(s) 8**, lines 3 and 5 and **claim(s) 9**, lines 3 and 5 have the same problem.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. **Claim(s) 1-9** are rejected under 35 U.S.C. 103(a) as being unpatentable over Michelson et al. (US 2004/0042612 A1) in view of Hammond (US 5,155,761).

Regarding **claim(s) 1**, Michelson discloses a method of effecting communications (FIG. 1 and paragraph 0001), comprising the steps of:

a) taking text message calls at a text centre means wherein such calls are made by way of telephones (FIG. 1 and paragraph 0019);

b) determining the target addresses of the calls from information contained in the calls, the identity of the target addresses in each case being recorded in the text centre means against a telephone call centre or telephone call centers (FIG. 1 and paragraph 0027 and 0030),

c) sending the text message calls to the call centre or call centers corresponding to the respective target addresses (FIG. 1 and paragraph 0029),

d) receiving the text message calls at the call centre or call centers as appropriate (FIG. 1 and paragraph 0030),

e) for each text message call automatically forwarding a return text message call to the telephone concerned (FIG. 1 and paragraph 0049).

Michelson discloses a return text message for getting more information from the caller but fails to disclose a future return call time is assigned to each of the message calls.

However, Hammond, in the same field of endeavor, teaches for each call centre processing each of the message calls received there such that a future return call time is assigned to each of the message calls, the return message call containing details as to when a return telephonic voice call will be made from the call centre to the holder of the telephone (FIG. 2 and column 6, lines 15-35), and

f) in substantially each case the call centre concerned making the respective return telephonic voice call at the time indicated (FIG. 3 and column 7, lines 1-26).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Michelson using the robot controller as taught by Hammond.

This modification of the invention enables the system to have a future return call time is assigned to each of the message calls so that the user would have the advantage of scheduling a time for a return call.

Regarding **claim(s) 2**, Michelson discloses a method of effecting communications, wherein at step e) the return text message calls are sent to the telephones from the call centre(s) by way of the text centre means (FIG. 1 and paragraph 0026).

Regarding **claim(s) 3**, Michelson discloses a method of effecting communications, wherein at step e) the return text message calls are sent to the telephones from the call centre(s) by way of the text centre means, and wherein the telephones are mobile phones (FIG. 1 and paragraph 0026).

Regarding **claim(s) 4**, Michelson discloses a method of effecting communications, wherein at step e) the return text message calls are sent to the telephones from the call centre(s) by way of the text centre means, and wherein the

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telephones are mobile phones, and wherein when the text messages are received at the text centre means such messages are routed to a server of the text centre means, which then directs the text messages to the call centre or centers as at step "c" (FIG. 1 and paragraph 0027).

Regarding **claim(s) 5**, Michelson discloses a method of effecting communications, wherein at step e) the return text message calls are sent to the telephones from the call centre(s) by way of the text centre means, and wherein the telephones are mobile phones, and wherein when the text messages are received at the text centre means such messages are routed to a server of the text centre means, which then directs the text messages to the call centre or centers as at step "c" and wherein the text centre in each case generates a call list listing the telephone numbers of the telephones, the call list being used by a worker at the call centre concerned in making the return telephonic voice call as at step "f" mentioned in claim 1 (FIG. 1 and paragraph 0027 and 0029).

Regarding **claim(s) 6**, Michelson discloses a method of effecting communications, wherein at step e) the return text message calls are sent to the telephones from the call centre(s) by way of the text centre means, and wherein the telephones are mobile phones, and wherein when the text messages are received at the text centre means such messages are routed to a server of the text centre means, which then directs the text messages to the call centre or centers as at step "c" and

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wherein the text centre in each case generates a call list listing the telephone numbers of the telephones, the call list being used by a worker at the call centre concerned in making the return telephonic voice call as at step "f" mentioned in claim 1 , and wherein the call list is at least in part generated from information gained by way of automatic caller id technology (FIG. 1 and paragraph 0029 and 0030).

Regarding **claim(s) 7**, Michelson discloses a method of effecting communications, wherein at step e) the return text message calls are sent to the telephones from the call centre(s) by way of the text centre means, and wherein the telephones are mobile phones, and wherein when the text messages are received at the text centre means such messages are routed to a server of the text centre means, which then directs the text messages to the call centre or centers as at step "c" and wherein the text centre in each case generates a call list listing the telephone numbers of the telephones, the call list being used by a worker at the call centre concerned in making the return telephonic voice call as at step "f" mentioned in claim 1 , and wherein the call list is at least in part generated from information gained by way of automatic caller id technology, and wherein the text centre means queues the text message calls made by way of the telephones (FIG. 1 and paragraph 0026, 0027, 0029, 0030).

Regarding **claim(s) 8**, Michelson discloses a method of effecting communications, wherein at step e) the return text message calls are sent to the telephones from the call centre(s) by way of the text centre means, and wherein the

telephones are mobile phones, and wherein when the text messages are received at the text centre means such messages are routed to a server of the text centre means, which then directs the text messages to the call centre or centers as at step "c" and wherein the text centre in each case generates a call list listing the telephone numbers of the telephones, the call list being used by a worker at the call centre concerned in making the return telephonic voice call as at step "f" mentioned in claim 1 , and wherein the call list is at least in part generated from information gained by way of automatic caller id technology, and wherein the text centre means queues the text message calls made by way of the telephones, and wherein at step c) mentioned in claim I the text message calls are sent to the call centre or call centers in a queued form (FIG. 1 and paragraph 0026, 0027, 0029 and 0030).

Regarding **claim(s) 9**, Michelson discloses a method of effecting communications, wherein at step e) the return text message calls are sent to the telephones from the call centre(s) by way of the text centre means, and wherein the telephones are mobile phones, and wherein when the text messages are received at the text centre means such messages are routed to a server of the text centre means, which then directs the text messages to the call centre or centers as at step "c" and wherein the text centre in each case generates a call list listing the telephone numbers of the ,telephones, the call list being used by a worker at the call centre concerned in making the return telephonic voice call as at step "f " mentioned in claim 1 , and wherein the call list is at least in part generated from information gained by way of automatic

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caller id technology, and wherein the text centre means queues the text message calls made by way of the telephones, and wherein the call centre or call centers can inspect details of the queue at the text centre means online (FIG. 1 and paragraph 0026, 0027, 0029 and 0030).

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


GERALD GAUTHIER
PATENT EXAMINER

Gerald Gauthier
Examiner
Art Unit 2645

g.g.
August 31, 2005